REMARKS

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that claims 11-14, 20, 30, 33-36, 40, 42-47, 51 and 52 are allowed.

Amendments

The specification is amended at page 6 to include the same disclosure as presented at page 2, lines 2-23 of EP 0 635 270. In addition, claim 46 is amended to replace "anti-estrogen" with -- Raloxifen--. See, e.g., page 6 of applicants' specification. New claims 53 and 54 are similar to claims 51 and 52, but recite a 6-hydroxy-2-(4-hydroxyphenyl)-3-[4-(2-piperidinoethoxy)benzoyl]benzo[b]thiophene. See applicants' page 6.

Rejection Under 35 USC§ 112, Second Paragraph

As noted above, claim 46 is amended to replace "anti-estrogen" with -- Raloxifen--. Withdrawal of the rejection is respectfully requested.

Objection Regarding Incorporated Subject Matter

By the above amendment to the specification, applicants have inserted disclosure from EP '270 that was previously incorporated by reference. However, applicants' disagree that the inserted material is essential material.

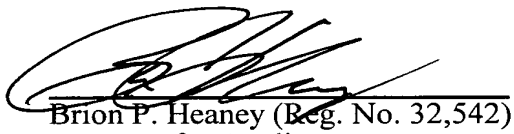
The term raloxifen or raloxifene is commonly used to refer to both the compound 6-hydroxy-2-(4-hydroxyphenyl)-3-[4-(2-piperidinoethoxy)benzoyl]benzo[b]thiophene and its hydrochloride salt. One of ordinary skill in this art would recognize that applicants' reference to raloxifen in the specification reasonably conveys both the compound 6-hydroxy-2-(4-hydroxyphenyl)-3-[4-(2-piperidinoethoxy)benzoyl]benzo[b]thiophene and its hydrochloride salt.

See, e.g., The attached excerpt from the USP Dictionary of USAN and International Drug Names. At page 578, the compound, which is shown as a hydrochloride salt, is

identified as both raloxifene and raloxifene hydrochloride. See also Dodge (US 5,552,417) (already of record) where at column 2, lines 41-42 raloxifene is identified as a hydrochloride salt. Chwalisz et al. (US 5,719,136; copy enclosed) identifies raloxifen as 6-hydroxy-2-(p-hydroxyphenyl)benzo[b]thein-3-yl-p-(2-piperidinoethoxy)phenylketone, hydrochloride. See column 5, lines 32-35. Garfield et al. (US 5,789,442; copy enclosed) identifies raloxifen as ([6-hydroxy-2-(4-hydroxyphenyl)-3-benzotheinyl][4-[2-(1piperidinyl)ethoxy)phenyl]-methanon-hydrochloride). See column 5, lines 44-47. Raveendranath et al. (US 6,005,102) identifies raloxifen as [2-(4-hydroxyphenyl)-6-hydroxybenzo[b]thien-3-yl][4-(1-piperidinylOethoxy] phenyl-methanone hydrochloride. See column 38, lines 1-3.

Withdrawal of the objection and allowance of the instant application are respectfully requested.

Respectfully submitted,



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Filed: **December 4, 2002**

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

At page 6, lines 11-15, delete the paragraph and replace it with the following new paragraph.

--The anti-oestrogens mentioned are known. For example, Raloxifen is 6-hydroxy-2-(4-hydroxyphenyl)-3-[4-(2-piperidinyoethoxy)benzoyl]benzo[b]thiophene. In combination with parathyroid hormone, Raloxifen and its derivatives are used to increase bone mass. EP 0635 270 discloses that raloxifene is described in US patent No. 4,418,068 and that EP-A-584952 discloses that raloxifene is useful in the inhibition or prevention of bone loss.--

IN THE CLAIMS:

Please amend the following claims as follows:

--46. A method according to claim 45, wherein Raloxifen ~~said anti-estrogen~~ is administered orally.--